



Court File No. CV-22-88569

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Electronically issued: 02/15/2022
Délivré par voie électronique
Ottawa

THE HONOURABLE ASSOCIATE CHIEF)
JUSTICE FAYE MCWATT)
)

MONDAY, THE 14TH

DAY OF FEBRUARY, 2022

B E T W E E N:

CITY OF OTTAWA

Applicant

– and –

PERSONS UNKNOWN

Respondents

– and –

ATTORNEY GENERAL OF ONTARIO and
ATTORNEY GENERAL OF CANADA

Intervenors

ORDER

THIS APPLICATION, made by the City of Ottawa was heard this day at the Court House,
161 Elgin Street, Ottawa, Ontario.

ON HEARING the submissions of the applicant, and reading the materials filed, and having
regard to the urgency of the situation,

1. **THIS COURT ORDERS** that an interlocutory injunction is granted, pursuant to section 440 of the *Municipal Act*,

2. **THIS COURT ORDERS** that any persons having notice of this Order are hereby restrained and enjoined from directly or indirectly, by any means whatsoever:

a. Breaching the following By-laws of the City of Ottawa: Open Air Fire By-law 2004-163, Fireworks By-law 2003-237, Noise By-law 2017-255, Use and Care of Roads By-law 2003-498, and the Idling Control By-law 2007-266, in particular:

i. With respect to Open Air Fire By-law 2004-163:

1. They shall not set or maintain an open air fire without first having obtained the necessary permit from the Fire Chief;

ii. With respect to Fireworks By-law 2003-237:

1. They shall not discharge any firecrackers or any fireworks.

iii. With respect to Noise By-law 2017-255:

1. They shall not cause any noise likely to disturb the inhabitants of the City, including but not limited to, causing noise by honking air horns, car horns, train horns, in real-time or playing pre-recorded horns

iv. With respect to Use and Care of Roads By-law 2003-498:

1. They shall not encumber or damage a highway by any means, including but not limited to, encumbering or damaging the highway with tents, structures, or appliances;

2. They shall not set or carry fire on a highway; and

3. They shall not throw, pile, store or cause any material to be thrown or piled upon a highway except for the purpose of having it immediately delivered upon adjacent premises.

v. Idling Control By-law 2007-266 and in particular:

1. They shall not cause or permit a vehicle to idle for more than three (3) consecutive minutes in a sixty (60) minute period, unless:
 - a. it is an occupied vehicle, within the demonstration zone as described in Appendix A to this order, and the temperature outside is less than negative fifteen (15) degrees Celsius including the windchill value as determined by the Environment Canada temperature readings; or
 - b. it is an occupied vehicle, outside the demonstration zone as described in Appendix A to this order, and the temperature outside the vehicle is less than five degrees Celsius including the windchill value as determined by the Environment Canada temperature readings.
 - b. physically preventing, impeding, restricting or in any way physically interfering with, or counselling others to impede, restrict or in any way physically interfere with, **another person's compliance with this order**;
 - c. threatening, harassing **or intimidating the applicant's employees, servants, agents** or other persons engaged in the administration or enforcement of municipal by-laws; and
 - d. physically interfering with or counselling others to physically interfere with the performance by the applicant of its obligations under the *Municipal Act, 2001* and its contractual relationships with its employees, servants, agents or other persons having business with the applicant.
3. **THIS COURT ORDERS** that the respondents and each of them, and any and all persons having knowledge of this Order, forthwith remedy any contraventions of the By-laws as set out in subsection 2(a) of this Order, and;
4. **THIS COURT ORDERS** that this order be directed to the Sheriff of the County of Ottawa for enforcement and directs the Ottawa Police Service, and any Police Service assisting the Ottawa Police Service, to assist the Sheriff in the enforcement of the order by removing from the subject property any person contravening its provisions, and/or removing any objects being used in

contravention of bylaws, subject to the discretion of the police, and any Police Service assisting the Ottawa Police Service, with respect to the timing and means of enforcement.

5. **THIS COURT ORDERS** that the terms of this Order shall remain in force until varied or discharged by a further Order of the Court.

6. **THIS COURT ORDERS** that, provided the terms of this Order are complied with, the Respondents and other persons remain at liberty to engage in a peaceful, lawful and safe protest.

7. **THIS ORDER** shall not apply to persons acting in the course of or in the exercise of a statutory duty, power or authority.

8. **NOTICE OF THIS ORDER** may be given by: posting copies of this Order in or around downtown Ottawa; reading the Order to any person, including but not limited to reading the Order over an amplification system, and publishing this Order online.

9. **THIS COURT ORDERS** that the terms of this Order bind the respondents and every other person or legal entity who is subject to this Order and is given notice of the Order, as of the time such respondents, person or legal entity first receives notice of the Order, and whether or not such respondents, person or legal entity has been served with a copy of the Order.



McWatt A.C.J.S.C.J.

"Electronically Issued; February 15, 2022"

Appendix “A”

Appendix is a map the is included at section 3(ia) of the Idling Control By-law 2007-266.



THE CITY OF OTTAWA
Applicant

-and- PERSONS UNKNOWN
Respondents

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
OTTAWA

ORDER

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